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FRESNO MAN SENTENCED TO 295 MONTHS IN PRISON AND LIFETIME SUPERVISED RELEASE FOR DISTRIBUTING, RECEIVING, AND POSSESSING IMAGES OF CHILD PORNOGRAPHY

FRESNO - United States Attorney McGregor W. Scott announced today that MARK ALAN McGARRY, 46, of Fresno, California, was sentenced by the Honorable Oliver W. Wanger to a prison term of 295 months (24 years 7 months) to be followed by a term of supervised release for the rest of his life. The sentence was imposed for McGARRY's convictions of one count of distributing and receiving visual depictions of the sexual exploitation of minors and one count of possession of visual depictions of the sexual exploitation of minors. He had no prior criminal record. McGARRY will be required to register as a sex offender, and other provisions of his supervised release will restrict his access to children, computers, and the Internet.

This case was the result of a joint investigation by representatives of the Fresno County Sheriff's Department, Computer Crimes Unit, the Fresno Office of U.S. Immigration and Customs Enforcement, and the Clovis Police Department.

According to Assistant United States Attorney David Gappa, who prosecuted the case, McGARRY admitted in a plea agreement that from approximately December 26, 2004, through January 6, 2005, in Fresno County, he used a computer and modem to distribute and receive, via the Internet, visual depictions of the sexual exploitation of minors. He also possessed the images during this same time period. The distribution involved material depicting prepubescent minors as well as images of minors engaged in sadistic or masochistic conduct or other violence. The offenses involved more than 600 images in video and still formats.

The investigation began on December 28, 2004, when America Online (AOL) notified the National Center for Missing & Exploited Children (NCMEC) CyberTipline that an AOL user (subsequently identified as McGARRY) had attempted to upload a single image known to be child pornography to his AOL e-mail account. The NCMEC notified the Fresno County Sheriff's Department which quickly obtained a search warrant, executed it, and seized from the defendant's residence numerous images of the sexual exploitation of minors. Further investigative work led to the identification and arrest of at least 35 individuals connected to

McGARRY involved in the distribution and receipt of child pornography in the United States and elsewhere. One of those individuals, JEFFREY YINGST, formerly of Palmyra, Pennsylvania, exchanged images of child sexual exploitation with McGARRY. YINGST was also prosecuted in Fresno and received a 121-month federal prison sentence on May 2, 2006.

"This case is a stellar example of the concerted effort of both industry and law enforcement to aggressively pursue child exploitation. Mark McGarry would still be exploiting children in our community were it not for America Online, responding to the uploading of a single image of child pornography, alerting the National Center for Missing & Exploited Children, which notified the Fresno County Sheriff's Department, which conducted a swift and effective investigation. Child predators should take heed of the work done in this case, and the near-25 year sentence McGarry received," said United States Attorney Scott. In sentencing the defendant, the judge stated that it was important for the public to understand that "for heinous conduct there are heinous sentences."

According to an affidavit in a complaint filed after his arrest, the defendant had coached a youth softball team in Clovis, California. The defendant admitted in his plea agreement that during or prior to the offenses involving receipt and distribution of child pornography, he committed two or more instances of the sexual abuse or sexual exploitation of a minor female who resided in Clovis, California.

McGarry has been detained in federal custody, as both a danger to the community and a risk of flight, since his arrest on January 6, 2005.

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